IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4211 OF 2006

Sou Nillawa Yellapa Mang ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Kuldeep S. Patil for the applicant.
Mr. Manoj S. Mhambray, Additional Public Prosecutor, for the respondent.

CORAM: **H.S. BEDI, C.J.**

DATE: **NOVEMBER 24, 2006**.

P.C.

The applicant has been prosecuted for offences punishable under Sections 372, 373 of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Women and Child Immoral Traffic (Prevention) Act, 1956. The applicant has been in custody for more than a month. She is also the mother of four minor children. The Principal Sessions Judge, Sangli, has rejected the bail application preferred by the applicant for the following reasons.

> " A time has come to take offences under PITA with extreme seriousness. Through brothel, AIDS is being spread and the menace of this disease is increasing.

Though it is not very clear as to whether those poor minor girls are also suffering from AIDS or not but if they are, then the accused is responsible for spreading Aids through these two sex workers in this city. There are reports that one prostitute take about 7-8 customers in a day. Even a thought horrifies me that in such a manner and in such a place like Sangli, AIDS is being spread. I am, therefore, of the view that a lady who facilitates such spreading of such serious disease should not be released on bail till the trial is concluded. I am, therefore, not inclined to release the applicant-accused on bail. Hence, an order:-

'The application stands rejected".

To my mind, general observations such as those made above must be avoided. The application is accordingly allowed on the following conditions.

(i) The applicant be released on bail in connection with Cr. No. 233/2006 registered at Vishrambag Police Station on executing a personal bond in the sum of Rs.5,000/- (Rupees Five thousand only) with two local sureties in the like amount.

(ii) The applicant shall report to the concerned Police Station once in a week between 10 a.m. and 2 p.m. during the pendency of the trial.

(iii) The applicant shall not leave the city limits of Sangli without prior permission of the trial Court.

The application is disposed of accordingly.

CHIEF JUSTICE